

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

TYRONE TAYLOR,

Plaintiff,

vs.

BUREAU OF PRISONS, et al.,

Defendants.

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No. 05-2275-B/P

ORDER GRANTING EXTENSION OF TIME
AND
ORDER TO FILE NONPRISONER IN FORMA PAUPERIS AFFIDAVIT

Plaintiff Tyrone Taylor, Bureau of Prisons registration number 18213-076, filed a handwritten complaint under Bivens v. Six Unknown Fed. Agents, 403 U.S. 388 (1971). At the time Taylor filed the complaint, he was an inmate at the Federal Correctional Institution (FCI), in Bastrop, Texas. On May 4, 2006, the Court assessed the civil filing fee and dismissed Taylor's complaint. On May 31, 2006, Taylor filed a motion for a ninety day extension of time to pay the \$250 filing fee. He notifies the Court that he is being processed for release to a Community Correctional Center in Memphis and relates that the additional time will allow him time to obtain gainful employment.

Under the Prison Litigation Reform Act of 1995 (PLRA), 28 U.S.C. § 1915(b), all prisoners bringing a civil action must pay the full filing fee of \$250 required by 28 U.S.C. § 1914(a). The in

forma pauperis statute, 28 U.S.C. § 1915(a) merely provides the prisoner the opportunity to make a "downpayment" of a partial filing fee and pay the remainder in installments. See McGore v. Wrigglesworth, 114 F.3d 601, 604 (6th Cir. 1997)("[w]hen an inmate seeks pauper status, the only issue is whether the inmate pays the entire fee at the initiation of the proceeding or over a period of time under an installment plan. Prisoners are no longer entitled to a waiver of fees and costs."). In this case, however, the plaintiff has been released from prison before the installment payments began.

The Sixth Circuit has held that, "[a]fter release, the obligation to pay the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status." Id. at 613. Accordingly, the motion for an extension of time is GRANTED and plaintiff is ORDERED, within thirty (90) days of the date of entry of this order, to file a nonprisoner in forma pauperis affidavit or pay the \$250 civil filing fee. Based upon plaintiff's financial situation at that time, he may qualify for pauper status. The Clerk shall mail the plaintiff a copy of the nonprisoner in forma pauperis affidavit along with this order.

IT IS SO ORDERED this 1st day of June, 2006.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE